IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 15788 of 2007(D)

AGAINST THE ORDER IN IA.398/05 IN
OS.516/1983 of PRL.SUB COURT,THRISSUR

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PETITIONER:

THOMAS, S/O VITHAYATHIL DEVASSY,
CHIYYARAM VILLAGE DESOM, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. THRESSIA, D/O VITHAYATHIL DEVASSY,
CHIYYARAM VILLAGE DESOM, THRISSUR TALUK.

2. MARY, D/O VITHAYATHIL DEVASSY,
CHIYYARAM VILLAGE DESOM, THRISSUR TALUK.

3. MARTHA, D/O VITHAYATHIL DEVASSY,
CHIYYARAM VILLAGE DESOM, THRISSUR TALUK.

4. JOSE, S/O VITHAYATHIL DEVASSY,
CHIYYARAM VILLAGE DESOM, THRISSUR TALUK.

5. CICILY, W/O JOSE,
VITHAYATHIL HOUSE, CHIYYARAM VILLAGE, DESOM,
THRISSUR TALUK.

6. DEVY, S/O JOSE, VILTHAYATHIL HOUSE,
CHIYYARAM VILLAGE, DESOM, THRISSUR TALUK.

7. ANISH, S/O JOSE, VITHAYATHIL HOUSE,
CHIYYARAM VILLAGE DESOM, THRISSUR TALUK.

8. ANTO, S/O JOSE, VITHAYATHIL HOUSE,
CHIYYARAM VILLAGE, DESOM, THRISSUR TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

WP(C)No. 15788 OF 2007 D

Dated this the 25th May, 2007.

JUDGMENT

This writ petition is filed to quash Ext.P3. Learned counsel for the petitioner very strongly contends that in the final decree passed the extent shown is not correct and it requires reconsideration at the hands of the court. A perusal of Ext.P3 would reveal that the final decree was passed as early as on 18.11.1996. The trial court had clearly observed " the final decree is clear and there is no ambiguity regarding the shares and the commission report is also accepted by the court during final decree proceedings." The court also observed that the petitioner has not filed any appeal or revision against the final decree. So, as things stood, the Court passed a final decree only on the basis of the Commissioner's report and a belated attempt on the part of the petitioner to re-shake cannot be entertained. If it is entertained, there will be no end to the litigative process and therefore this application cannot be entertained and the writ petition is dismissed. However, I make it clear that if the parties want to have a settlement in between themselves, this judgment will not stand in the way.

M.N.KRISHNAN
Judge

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